

1 UNITED STATES COURT OF APPEALS
2 FOR THE SECOND CIRCUIT
3

4 SUMMARY ORDER
5

6 THIS SUMMARY ORDER WILL NOT BE PUBLISHED IN THE FEDERAL
7 REPORTER AND MAY NOT BE CITED AS PRECEDENTIAL AUTHORITY
8 TO THIS OR ANY OTHER COURT, BUT MAY BE CALLED TO THE
9 ATTENTION OF THIS OR ANY OTHER COURT IN A SUBSEQUENT
10 STAGE OF THIS CASE, IN A RELATED CASE, OR IN ANY CASE FOR
11 PURPOSES OF COLLATERAL ESTOPPEL OR RES JUDICATA.
12

13 At a stated term of the United States Court of
14 Appeals for the Second Circuit, held at the United States
15 Courthouse, Foley Square, in the City of New York, on the
16 4th day of August, two thousand and six.
17

18 PRESENT: HON. DENNIS JACOBS,
19 HON. ROSEMARY S. POOLER,
20 Circuit Judges,
21 HON. EDWARD R. KORMAN*,
22 District Chief Judge.
23

24 - - - - -X
25 GERSH KORSINSKY,
26

27 Plaintiff-Appellant,
28

29 -v.-

05-5577

30
31 USA ENVIRONMENTAL PROTECTION AGENCY, NYS DEPARTMENT OF
32 ENVIRONMENTAL CONSERVATION, NYS DEPARTMENT OF HEALTH, USA
33 FOOD AND DRUG ADMINISTRATION, NYC DEPARTMENT OF
34 ENVIRONMENTAL PROTECTION, HOMELAND SECURITY DEPARTMENT,
35

36 Defendants-Appellees.
37
38 - - - - -X

*The Honorable Edward R. Korman, Chief Judge of the United States District Court for the Eastern District of New York, sitting by designation.

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3 **APPEARING FOR APPELLANT:** GERSH KORSINSKY, pro se, NY,
4 NY.

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6 **APPEARING FOR APPELLEES:** PIERRE G. ARMAND, Assistant
7 United States Attorney
8 (Michael J. Garcia, United
9 States Attorney for the
10 Southern District of New York,
11 on the brief), NY, NY.
12
13

14 Appeal from the United States District Court for the
15 Southern District of New York (Chin, J.).
16

17 **UPON DUE CONSIDERATION, IT IS HEREBY ORDERED,**
18 **ADJUDGED AND DECREED** that the judgment of the district
19 court be **AFFIRMED**.
20

21 Gersh Korsinsky ("Korsinsky") appeals pro se from the
22 June 13, 2005 order of the United States District Court
23 for the Southern District of New York (Chin, J.),
24 granting defendants' motions to dismiss. Familiarity is
25 assumed as to the facts, the procedural context, and the
26 specification of appellate issues.

27 We review de novo a district court's grant of a
28 motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6),
29 construing the complaint in the light most favorable to
30 the plaintiff and accepting its allegations as true. See
31 Desiano v. Warner-Lambert Co., 326 F.3d 339, 347 (2d Cir.
32 2003); PaineWebber Inc. v. Bybyk, 81 F.3d 1193, 1197 (2d
33 Cir. 1996). Under this standard, we affirm the dismissal
34 for the ground stated in the district court's Memorandum
35 Decision.

1 For the foregoing reasons, the judgment of the
2 district court is **AFFIRMED**.

3 FOR THE COURT:
4 ROSEANN B. MACKECHNIE, CLERK
5 By:

6 _____
7 Lucille Carr, Deputy Clerk